IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 502 of 2006 (M/B)

Smt. Durga Devi W/o Sri Pandev Joshi,
R/o Lutabar Ramnagar,
District Nainital and 38 others. ……. Petitioners

Versus

1. State of Uttaranchal,
through Secretary Excise,
Civil Secretariat, Dehradun.
2. Excise Commissioner,
Uttaranchal, Dehradun. …… Respondents

Mr. H.S. Rawal, Advocate for the petitioners.
Mr. N.C. Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. H.S. Rawal, Advocate for the petitioners.

Mr. N.C. Gupta, Standing Counsel for the respondents.

They are heard.

2. The petitioners have filed this writ petition for the following reliefs:

> "I. Issue a writ, order or direction in the nature of certiorari quashing the impugned orders dated 18.03.2006 & 21.03.2006 passed by respondent No. 1 and the consequential notice / release / order dated 19.03.2006 & 22.03.2006 issued by respondent No. 2 contained as Annexure No. 1, 2, 3 & 4 to the writ petition after summoning the original of the same from the respondents.
> II. Issue a writ, order or direction in the nature of mandamus commanding the respondents to entertain the application of the petitioner submitted along with the drafts prepared before 04.03.2006 and to permit the petitioner to participate on the lottery for the country and foreign liquor retail shop license and not to

subject the petitioner to apply afresh and to deposit the fresh bank draft.

III. Issue a writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case may kindly be passed.

IV. Award the cost of the petition."

3. In view of the judgment passed on 23.05.2003 in Writ Petition No. 290 of 2006 (M/B) and other connected writ petitions whereby it was held that the rejection of the applications on the ground that the bank drafts with the applications were issued by the bank before 04.03.2006 was legally not permissible and the orders dated 18.03.2006 and 21.03.2006 were quashed, nothing survives in this writ petition for decision now.

4. The writ petition, therefore, stands disposed of in terms of the judgment dated 23.05.2006 passed in Writ Petition No. 290 of 2006 (M/B) and other connected writ petitions.

5. With the above order, CLMA No. 5064 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**

24.05.2006 24.05.2006

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